

REMARKS

The Applicants would like to thank the Examiner for the courtesies extended in the telephone discussion on May 23, 2007. The amendments to the claims indicated herein reflect those amendments discussed.

The Final Office Action, mailed May 3, 2007, considered claims 1–26 and 32–44. Claims 21–26 and 32–44 were objected to because of an informality in Independent Claim 21. Claims 1, 3–13, 17–26, 32–38, 41 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carruthers et al., U.S. Patent Pub. No. 2002/0128904 (filed Jan. 23, 2001) (hereinafter Carruthers), in view of Zigmond et al., U.S. Patent No. 6,698,020 (filed Jun. 15, 1998) (hereinafter Zigmond), in further view of Bates et al., U.S. Patent No. 6,425,127 (filed Jan. 13, 2000) (hereinafter Bates). Claims 2, 14–16, 39–40 and 42–43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carruthers, in view of Zigmond, in view of Bates, and in view of Cannon, U.S. Patent No. 6,029,176 (filed Nov. 25, 1997) (hereinafter Cannon).¹

By this response, claims 1, 11–13, 21 and 44 are amended such that claims 1–26 and 32–44 remain pending. Claims 1, 13, and 21 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 37–40, 46–75, and Fig's 1–4.²

As reflected in the claims, the present invention is directed generally toward a method for scheduling an advertising campaign to achieve an advertising impression goal for advertising displayed via receivers. Claim 1 recites, for instance, in combination with all the elements of the claim, receiving historical data at a control module which comprises data about delivered advertising impressions. The control module aggregates the historical data and applies a rule to the data to generate manipulated data comprising estimated data representative of all available receivers. A planning module communicates with the control module and the manipulated historical data is delivered to the planning module. The planning module retrieves advertising campaign data and combines the historical data with the campaign data to generate a schedule of

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² However, it should be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

available advertising inventory. An interface module displays information to a user to schedule an advertising impression goal. A reservation module assigns weights to advertisements and advertisement content is stored at the control module. The control module generate metadata files associated with the advertisement content and the control module delivers the advertisement content and the associated metadata files to at least one receiver.

Claim 13 is a computer program product which implements the method of claim 1. Claim 21 is a method of assigning weights to advertisements such that receivers can selectively display received advertising content.

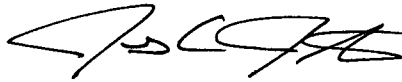
As was discussed in the telephone conversation of May 23rd, each of the independent claims has been amended to include additional structure and detail which particularly points out the architecture of the invention as disclosed within the Specification. The Applicants submit that the prior art of record fails to teach or suggest such a particular architecture or such particular detail as is now recited in the claims. In particular, the art of record fails to teach or suggest a system comprising a planning module and a control module. The art of record also fails to teach or suggest that the planning module includes an interface module, a data module, a reservation module, and an aggregation module. The prior art of record also fails to teach or suggest the particular functionality of each of the modules as is recited in the amended claims. In view of the present amendments, the Applicants submit that the claims are not made obvious in view of the prior art of record and respectfully request the Examiner for favorable reconsideration of the claims as now presented.

In consideration of the foregoing, the Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 3rd day of July, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", with a stylized, cursive script.

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